

of each dam, as specified in paragraph (2), the risk hazard classification of each dam, as specified in paragraph (3), and the conditions resulting from maintenance deficiencies.

**(2) Dam safety condition classifications**

The dam safety condition classification referred to in paragraph (1) is one of the following classifications:

**(A) Satisfactory**

No existing or potential dam safety deficiencies are recognized. Safe performance is expected under all anticipated conditions.

**(B) Fair**

No existing dam safety deficiencies are recognized for normal loading conditions. Infrequent hydrologic or seismic events would probably result in a dam safety deficiency.

**(C) Conditionally poor**

A potential dam safety deficiency is recognized for unusual loading conditions that may realistically occur during the expected life of the structure.

**(D) Poor**

A potential dam safety deficiency is clearly recognized for normal loading conditions. Immediate actions to resolve the deficiency are recommended; reservoir restrictions may be necessary until resolution of the problem.

**(E) Unsatisfactory**

A dam safety deficiency exists for normal loading conditions. Immediate remedial action is required for resolution of the problem.

**(3) Risk hazard classification**

The risk hazard classification referred to in paragraph (1) is one of the following classifications:

**(A) High**

Six or more lives would be at risk or extensive property damage could occur if the dam failed.

**(B) Significant**

Between one and six lives would be at risk or significant property damage could occur if the dam failed.

**(C) Low**

No lives would be at risk and limited property damage would occur if the dam failed.

**(f) Limitation on program authorization**

Work authorized by this chapter shall be for the purpose of dam safety maintenance and structural repair. The Secretary may authorize, upon request of an Indian tribe, up to 20 percent of the cost of repairs to be used to provide additional conservation storage capacity or developing benefits beyond those provided by the original dams and reservoirs. This chapter is not intended to preclude development of increased storage or benefits under any other authority or to preclude measures to protect fish and wildlife.

**(g) Technical assistance**

To carry out the purposes of this chapter, the Secretary may obtain technical assistance on a

nonreimbursable basis from other departments and agencies. Notwithstanding any such technical assistance, the Dam Safety Maintenance and Repair Program established under subsection (a) of this section shall be under the direction and control of the Bureau.

**(h) Contract authority**

In addition to any other authority established by law, the Secretary is authorized to contract with Indian tribes (under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) [25 U.S.C. 450 et seq.]), as amended, to carry out the Dam Safety Maintenance and Repair Program established under this chapter.

**(i) Annual report**

The Secretary shall submit an annual report on the implementation of this chapter. The report shall include—

(1) the list of dams and their status on the maintenance action plan developed under this section; and

(2) the projected total cost and a schedule of the projected annual cost of rehabilitation or repair for each dam under this section.

The report shall be submitted at the time the budget is required to be submitted under section 1105 of title 31 to the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate.

(Pub. L. 103-302, § 4, Aug. 23, 1994, 108 Stat. 1561.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (h), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§ 450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

CHANGE OF NAME

Committee on Natural Resources of House of Representatives changed to Committee on Resources of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Subcommittee on Native American Affairs changed to Subcommittee on Native American and Insular Affairs.

**§ 3804. Authorization of appropriations**

There is authorized to be appropriated such sums as may be necessary to carry out this chapter. Funds provided under this chapter are to be considered nonreimbursable.

(Pub. L. 103-302, § 5, Aug. 23, 1994, 108 Stat. 1563.)

**CHAPTER 41—INDIAN LANDS OPEN DUMP  
CLEANUP**

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### § 3901. Findings and purposes

#### (a) Findings

The Congress finds that—

- (1) there are at least 600 open dumps on Indian and Alaska Native lands;
- (2) these dumps threaten the health and safety of residents of Indian and Alaska Native lands and contiguous areas;
- (3) many of these dumps were established or are used by Federal agencies such as the Bureau of Indian Affairs and the Indian Health Service;
- (4) these dumps threaten the environment;
- (5) the United States holds most Indian lands in trust for the benefit of Indian tribes and Indian individuals; and
- (6) most Indian tribal governments and Alaska Native entities lack the financial and technical resources necessary to close and maintain these dumps in compliance with applicable Federal laws.

#### (b) Purposes

The purposes of this chapter are to—

- (1) identify the location of open dumps on Indian lands and Alaska Native lands;
- (2) assess the relative health and environmental hazards posed by such dumps; and
- (3) provide financial and technical assistance to Indian tribal governments and Alaska Native entities, either directly or by contract, to close such dumps in compliance with applicable Federal standards and regulations, or standards promulgated by an Indian tribal government or Alaska Native entity, if such standards are more stringent than the Federal standards.

(Pub. L. 103-399, §2, Oct. 22, 1994, 108 Stat. 4164.)

#### SHORT TITLE

Section 1 of Pub. L. 103-399 provided that: "This Act [enacting this chapter] may be cited as the 'Indian Lands Open Dump Cleanup Act of 1994'."

### § 3902. Definitions

For the purposes of this chapter, the following definitions shall apply:

#### (1) Closure or close

The term "closure or close" means the termination of operations at open dumps on Indian land or Alaska Native land and bringing such dumps into compliance with applicable Federal standards and regulations, or stand-

ards promulgated by an Indian tribal government or Alaska Native entity, if such standards are more stringent than the Federal standards and regulations.

#### (2) Director

The term "Director" means the Director of the Indian Health Service.

#### (3) Indian land

The term "Indian land" means—

(A) land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(B) dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and

(C) Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

#### (4) Alaska Native land

The term "Alaska Native land" means (A) land conveyed or to be conveyed pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], including any land reconveyed under section 14(c)(3) of that Act (43 U.S.C. 1613(c)(3)), and (B) land conveyed pursuant to the Act of November 2, 1966 (16 U.S.C. 1151 et seq.; commonly known as the "Fur Seal Act of 1966").

#### (5) Indian tribal government

The term "Indian tribal government" means the governing body of any Indian tribe, band, nation, pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

#### (6) Alaska Native entity

The term "Alaska Native entity" includes native corporations established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.] and any Alaska Native village or municipal entity which owns Alaska Native land.

#### (7) Open dump

The term "open dump" means any facility or site where solid waste is disposed of which is not a sanitary landfill which meets the criteria promulgated under section 6944<sup>1</sup> of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) and which is not a facility for disposal of hazardous waste.

#### (8) Postclosure maintenance

The term "postclosure maintenance" means any activity undertaken at a closed solid waste management facility on Indian land or on Alaska Native land to maintain the integrity of containment features, monitor compliance with applicable performance standards,

<sup>1</sup> See References in Text note below.